



General Assembly

**Substitute Bill No. 5774**

February Session, 2008

\* \_\_\_\_\_HB05774GL\_\_\_\_\_031108\_\_\_\_\_\*

**AN ACT CONCERNING RESIDENTIAL INTERIOR DECORATORS AND  
THE REGISTRATION OF LOCKSMITHS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2008*) For purposes of sections 2 to  
2       8, inclusive, of this act, "residential interior decorator" means a person  
3       who provides decorator services for single family private dwellings.

4       Sec. 2. (NEW) (*Effective July 1, 2008*) No person shall use the title  
5       residential interior decorator or display or use any words, letters,  
6       figures, title, advertisement or other device to indicate that he or she is  
7       a registered residential interior decorator, unless he or she has  
8       obtained a certificate of registration pursuant to section 5 of this act.

9       Sec. 3. (NEW) (*Effective July 1, 2008*) (a) A person seeking a certificate  
10      of registration as a residential interior decorator shall apply to the  
11      Commissioner of Consumer Protection, in writing, on a form provided  
12      by the commissioner. Such application shall include the applicant's  
13      name, residence address, business address and such other information  
14      as the commissioner may by regulation require.

15      (b) Each application for a certificate of registration pursuant to  
16      subsection (a) of this section shall be accompanied by a fee of one  
17      hundred fifty dollars.

18       Sec. 4. (NEW) (*Effective July 1, 2008*) (a) Except as provided in  
19 subsection (b) of this section, no person shall be issued a certificate of  
20 registration as a residential interior decorator unless such person  
21 submits satisfactory proof that such person has passed: (1) The  
22 uniform national examination established by the Council for  
23 Qualification of Residential Interior Designers, or (2) any other  
24 examination with standards or requirements equal to or greater than  
25 those established by said council, as determined by the Commissioner  
26 of Consumer Protection.

27       (b) The commissioner may issue a certificate of registration as a  
28 residential interior decorator, without examination, to any person who  
29 is currently registered or licensed in another state having registration  
30 or licensing standards or requirements equal to or greater than the  
31 standards or requirements established in sections 3 to 5, inclusive, of  
32 this act.

33       Sec. 5. (NEW) (*Effective July 1, 2008*) (a) Upon receipt of a completed  
34 application, satisfactory proof and fee pursuant to sections 3 and 4 of  
35 this act, the Commissioner of Consumer Protection shall: (1) Issue and  
36 deliver to the applicant a certificate of registration as a residential  
37 interior decorator; or (2) refuse to issue such certificate. The  
38 commissioner may suspend, revoke or refuse to issue or renew any  
39 such certificate for any of the reasons stated in section 8 of this act.

40       (b) Upon refusal to issue a certificate, the commissioner shall notify  
41 the applicant of the denial and of the applicant's right to request a  
42 hearing not later than ten days after the date of receipt of the notice of  
43 denial.

44       (c) If the applicant requests a hearing within such ten days, the  
45 commissioner shall give notice of the grounds for the commissioner's  
46 refusal and shall conduct a hearing concerning such refusal in  
47 accordance with the provisions of chapter 54 of the general statutes  
48 concerning contested cases.

49       Sec. 6. (NEW) (*Effective July 1, 2008*) A certificate of registration as a

50 residential interior decorator shall be evidence that the person named  
51 in the certificate is entitled to the rights and privileges of a registered  
52 residential interior decorator while such certificate remains in effect.  
53 The Commissioner of Consumer Protection shall keep a roster of the  
54 names and addresses of all registered residential interior decorators.  
55 Annually during the month of September, the commissioner shall  
56 place such roster on file with the Secretary of the State and with the  
57 building department and library of each town. The commissioner shall  
58 maintain an index and record of each certificate of registration. A  
59 certificate shall remain in effect until revoked or suspended as  
60 provided in section 8 of this act.

61       Sec. 7. (NEW) (*Effective July 1, 2008*) (a) A registered residential  
62 interior decorator shall exhibit his or her certificate of registration upon  
63 request by any interested party.

64       (b) No person shall: (1) Present or attempt to present, as his or her  
65 own, the certificate of another, (2) knowingly give false evidence of a  
66 material nature to the Commissioner of Consumer Protection for the  
67 purpose of procuring a certificate, (3) use or attempt to use a certificate  
68 which has expired or which has been suspended or revoked, (4)  
69 represent himself or herself falsely as, or impersonate, a registered  
70 residential interior decorator, or (5) include his or her certificate  
71 number as a part of any advertisement or represent in any manner that  
72 his or her certificate of registration constitutes an endorsement of the  
73 quality of his or her workmanship or of his or her competency by the  
74 commissioner.

75       (c) Certificates of registration issued to a residential interior  
76 decorator shall not be transferable or assignable.

77       (d) All certificates of registration issued under the provisions of  
78 section 5 of this act shall expire annually.

79       (e) The fee for renewal of a certificate of registration as a residential  
80 interior decorator shall be one hundred dollars.

81       Sec. 8. (NEW) (*Effective July 1, 2008*) (a) The commissioner may  
82       revoke or suspend any certificate of registration as a residential  
83       interior decorator for: (1) Conduct of a character likely to mislead,  
84       deceive or defraud the public or the commissioner; or (2) gross  
85       incompetence.

86       (b) The commissioner shall not revoke or suspend any certificate of  
87       registration as a residential interior decorator except upon notice and  
88       hearing in accordance with chapter 54 of the general statutes.

89       Sec. 9. (NEW) (*Effective October 1, 2008*) (a) As used in this section:

90       (1) "Branch" means any business location of a locksmith, other than  
91       the principal place of business of such locksmith.

92       (2) "Commissioner" means the Commissioner of Consumer  
93       Protection.

94       (3) "Department" means the Department of Consumer Protection.

95       (4) "Locksmith" means a person engaged in locksmithing.

96       (5) "Locksmithing" means the inspection, installation,  
97       recombination, rekeying, service or repair of locks or locking devices,  
98       but does not include: (A) The recombination or rekeying of locks or  
99       cylinders by an employee of a retail or wholesale establishment on an  
100       employer's property; (B) the installation or repair of locks by a person  
101       registered pursuant to chapter 393c of the general statutes or registered  
102       pursuant to chapter 400 of the general statutes incidental to the  
103       construction of a building; (C) the installation, maintenance, repair or  
104       service of a vending machine; (D) the duplication or selling of keys or  
105       selling of equipment used to duplicate keys at a retail establishment; or  
106       (E) work performed by a person at such person's own residence.

107       (6) "Registration" means a document or card issued by the  
108       Department of Consumer Protection to a locksmith which certifies that  
109       such locksmith has completed an application form, paid the required  
110       registration fee, has successfully passed the required criminal history

111 records check, is not otherwise barred from becoming a locksmith and  
112 has been added to the registry of locksmiths, as established in  
113 subsection (b) of this section.

114 (b) (1) A person seeking registration as a locksmith shall apply to  
115 the commissioner on a form provided by the commissioner. The  
116 application shall include the applicant's name, residence address,  
117 business address, business telephone number, a question as to whether  
118 the applicant has been convicted of a felony in any state or jurisdiction,  
119 and such other information as the commissioner may require. The  
120 applicant shall submit to a request by the commissioner for a recent  
121 criminal history records check. No registration shall be issued unless  
122 the commissioner has received the results of a such records check. In  
123 accordance with the provisions of section 46a-80 of the general statutes  
124 and after a hearing held pursuant to chapter 54 of the general statutes,  
125 the commissioner may revoke, refuse to issue or refuse to renew a  
126 registration when an applicant's criminal history records check reveals  
127 the applicant has been convicted of a crime of dishonesty, fraud, theft,  
128 assault, other violent offense or a crime related to the performance of  
129 locksmithing.

130 (2) The application fee for registration as a locksmith and the  
131 biennial renewal fee for such registration shall be two hundred dollars.

132 (3) The department shall establish and maintain a registry of  
133 locksmiths. The registry shall contain the names and addresses of  
134 registered locksmiths and such other information as the commissioner  
135 may require. Such registry shall be updated at least annually by the  
136 department, be made available to the public upon request and be  
137 published on the department's Internet web site.

138 (4) No person shall engage in locksmithing, use the title locksmith  
139 or display or use any words, letters, figures, title, advertisement or  
140 other method to indicate said person is a locksmith unless such person  
141 has obtained a registration as provided by this section.

142 (5) The following persons shall be exempt from registration as a

143 locksmith, but only if the person performing the service does not hold  
144 himself or herself out to the public as a locksmith: (A) Persons  
145 employed by a state, municipality or other political subdivision, or by  
146 any agency or department of the government of the United States,  
147 acting in their official capacity; (B) automobile service dealers who  
148 service, install, repair or rebuild automobile locks; (C) retail merchants  
149 selling locks or similar security accessories or installing, programming,  
150 repairing, maintaining, reprogramming, rebuilding or servicing  
151 electronic garage door devices; (D) members of the building trades  
152 who install or remove complete locks or locking devices in the course  
153 of residential or commercial new construction or remodeling; (E)  
154 employees of towing services, repossessioners, or an automobile club  
155 representative or employee opening automotive locks in the normal  
156 course of his or her business. The provisions of this section shall not  
157 prohibit an employee of a towing service from opening motor vehicles  
158 to enable a vehicle to be moved without towing, provided the towing  
159 service does not hold itself out to the public, by directory  
160 advertisement, through a sign at the facilities of the towing service or  
161 by any other form of advertisement, as a locksmith; (F) students in a  
162 course of study in locksmith programs approved by the department;  
163 (G) warranty services by a lock manufacturer or its employees on the  
164 manufacturer's own products; (H) maintenance employees of a  
165 property owner or property management companies at multi-family  
166 residential buildings, who service, install, repair or open locks for  
167 tenants; and (I) persons employed as security personnel at schools or  
168 institutions of higher education who open locks while acting in the  
169 course of their employment.

170 (c) (1) Each person engaging in locksmithing shall: (A) Exhibit such  
171 person's registration or a copy thereof at the person's place of business  
172 and any branch, in a location visible to the general public, (B) exhibit  
173 such person's registration upon request by any interested party, and  
174 (C) include such person's registration number in any advertisement.

175 (2) No person shall: (A) Present or attempt to present, as such  
176 person's own, the registration of another, (B) knowingly give false

177 evidence of a material nature to the commissioner for the purpose of  
178 procuring a registration, (C) represent himself or herself falsely as, or  
179 impersonate, a registered locksmith, (D) knowingly use or attempt to  
180 use a registration which has expired or which has been suspended or  
181 revoked, (E) offer to undertake any locksmith service without having a  
182 current registration required under this chapter, (F) represent in any  
183 manner that such person's registration constitutes an endorsement of  
184 the quality of such person's workmanship or of such person's  
185 competency by the commissioner, (G) employ or allow any person to  
186 act as a salesman on such person's behalf unless such salesman is in  
187 the direct employ of such person, or (H) represent or advertise a  
188 location or branch as a place of business without obtaining the right to  
189 occupy such location.

190 (d) Registrations issued to locksmiths pursuant to this section shall  
191 not be transferable or assignable.

192 (e) All registrations issued under the provisions of this section shall  
193 expire biennially.

194 (f) Failure to receive a notice of registration expiration or a renewal  
195 application shall not exempt a locksmith from the obligation to renew  
196 his or her registration.

197 (g) The commissioner may adopt regulations, in accordance with  
198 chapter 54 of the general statutes, to carry out the provisions of this  
199 section.

200 (h) The commissioner may conduct investigations and hold  
201 hearings on any matter subject to the provisions of this section. The  
202 commissioner may issue subpoenas, administer oaths, compel  
203 testimony and order the production of books, records and documents  
204 in connection with such investigations. If any person refuses to appear,  
205 to testify or to produce any book, record, paper or document when so  
206 ordered, upon application of the commissioner or the Attorney  
207 General, a judge of the Superior Court may make such order as may be  
208 appropriate to aid in the enforcement of this section. The Attorney

209 General, at the request of the commissioner, is authorized to apply in  
210 the name of the state of Connecticut to the Superior Court for an order  
211 temporarily or permanently restraining and enjoining any person from  
212 violating any provision of this section.

213 (i) The commissioner may revoke, suspend, place conditions on, or  
214 refuse to renew a registration issued pursuant to this section for: (1)  
215 Conduct of a character likely to mislead, deceive or defraud the public  
216 or the commissioner; (2) engaging in any untruthful or misleading  
217 advertising; (3) unfair or deceptive business practices; (4) gross  
218 incompetence; or (5) violations of any of the provisions of this section  
219 or any regulation adopted pursuant to any of such provisions.

220 (j) The commissioner may, after notice and hearing in accordance  
221 with the provisions of chapter 54 of the general statutes, impose a civil  
222 penalty on any person who engages in or practices the work or  
223 occupation for which a registration is required by this section without  
224 having first obtained such a registration, or who wilfully employs or  
225 supplies for employment a person who does not have such a  
226 registration, or who wilfully and falsely pretends to qualify to engage  
227 in or practice such work or occupation, or who engages in or practices  
228 any of the work or occupations for which a registration is required by  
229 this section after the expiration of such person's registration, or who  
230 violates any of the provisions of this section or the regulations adopted  
231 pursuant thereto. Such penalty shall be in an amount not more than  
232 five hundred dollars for a first violation of this subsection, not more  
233 than seven hundred fifty dollars for a second violation of this  
234 subsection occurring not more than three years after a prior violation,  
235 and not more than one thousand five hundred dollars for a third or  
236 subsequent violation of this subsection occurring not more than three  
237 years after a prior violation. Any penalty collected pursuant to this  
238 subsection shall be deposited in the consumer protection enforcement  
239 account established in section 21a-8a of the general statutes.

240 (k) A violation of any of the provisions of this section shall be  
241 deemed an unfair or deceptive trade practice under subsection (a) of

242 section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>July 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	New section

**GL**            *Joint Favorable Subst.*